

VZCZCXRO8882  
PP RUEHDBU  
DE RUEHC #3184/01 1491459  
ZNY CCCCC ZZH  
P R 291449Z MAY 07  
FM SECSTATE WASHDC  
TO RUEHKB/AMEMBASSY BAKU PRIORITY 4506  
INFO CIS COLLECTIVE  
RUEHVEN/USMISSION USOSCE 1251

C O N F I D E N T I A L SECTION 01 OF 05 STATE 073184

SIPDIS

SIPDIS

E.O. 12958: DECL: 05/21/2017  
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)  
SUBJECT: US-AZERBAIJAN DEMOCRACY AND HUMAN RIGHTS  
DIALOGUE: SECOND ROUND

REF: A. BAKU 37  
[1](#)B. BAKU 38  
[1](#)C. BAKU 60  
[1](#)D. BAKU 63  
[1](#)E. BAKU 85  
[1](#)F. BAKU 79  
[1](#)G. BAKU 96  
[1](#)H. BAKU 106  
[1](#)I. STATE NODIS 43303  
[1](#)J. BAKU 519

Classified By: Classified by: DRL/AE Bruce Connuck, Reasons 1.4 (B,D)

-----  
SUMMARY  
-----

[1](#)1. (SBU) In their March 22 bilateral Democracy and Human Rights Dialogue, DRL Assistant Secretary Lowenkron and Azerbaijani Foreign Minister Mammadyarov discussed a variety of issues related to human rights, rule of law, democratic political processes, media freedom, and civil society. The FM committed to advocate in Baku for progress on a number of key democratization and human rights issues raised by A/S Lowenkron. The US side, in turn, agreed to provide feedback on the GOAJ's human rights action plan and several GOAJ proposals for US democratization-related assistance, and to share details of increased corruption concerns. A/S Lowenkron and FM Mammadyarov agreed to meet again to continue their dialogue during the course of the year.

-----  
OPENING REMARKS  
-----

[1](#)2. (SBU) Following up on A/S Lowenkron's initiation of an intensified dialogue on democracy and human rights in December in Baku (refs A-H), he and Mammadyarov met in Washington on March 22. A/S Lowenkron was joined by Amb. Derse, EUR/ACE Coordinator Adams, EUR DAS Bryza, and USAID Assistant Administrator Menarchik, and by DRL, EUR, and USAID staff. The FM was accompanied by Amb. Aliyev, MFA staffer Mustafayev, and an Embassy notetaker. In brief opening remarks, Lowenkron noted the upcoming anniversary of President Aliyev's Washington trip in April 2006, which opened the door for this dialogue. He reiterated the three co-equal pillars of the USG's bilateral relationship with Azerbaijan, and concluded by stating that the question is not if, but when, reform will occur in Azerbaijan, asking how the USG can help to spur the process. Mammadyarov agreed, calling democratization inevitable when accompanied by economic reform and education.

-----  
HUMAN RIGHTS  
-----

National Action Plan:

13. (C) A/S Lowenkron asked the FM to elaborate on his government's new national action plan (NAP) for human rights, announced by President Aliyev in late December. Mammadyarov explained that an inter-ministerial committee will devise a specific action plan within three months, and monitor the plan's implementation. He expects the head of the Presidential Administration to be in charge. He invited the US to make specific proposals regarding its implementation, noting that the GOAJ has also been working with the Council of Europe. Mammadyarov also commented on the need for his country's vocal NGOs to be involved with the implementation committee. Agreeing with the latter point, Lowenkron suggested that there might be a role in the process for the Democracy Council (a new coalition of NGOs). The FM promised to advocate the Democracy Council's involvement. Mustafayev observed that the NAP calls for NGO participation in the process, and pointed to the NGO-government commission that has been working for some years with the COE on the issue of political prisoners. The FM quickly caveated Mustafayev's statement by noting that no international law defines the term &political prisoner.8 He added that NGOs can call anyone a &political prisoner8 and do so. Lowenkron asked for details on how the NAP will function, its agenda, and its proposed engagement with civil society. The FM responded that he believed that the inter-ministerial committee will produce an implementation plan. He encouraged U.S. advice and direction on the plan.

STATE 00073184 002 OF 005

#### Police Reform:

14. (C) A/S Lowenkron asked Mammadyarov about the status of police reform. The FM responded that &we're doing it8 and commented that at least police were no longer beating people, due in part he claimed, to the Foreign Ministry's interventions. He emphasized the need for more police training and pledged his own continued involvement. Ambassador Derse noted that the Embassy had offered a police advisor to serve as a resource for the Ministry of Internal Affairs, and set aside funds. However, she was not sure that the Minister saw the value of such an advisor. Mammadyarov said that he would talk to the Internal Affairs Minister. EUR/ACE Coordinator Adams highlighted the enormous popularity Saakashvili's reform of the traffic police had achieved in Georgia; it was a difficult step taken in the face of deeply entrenched interests, and it required real political will. (Comment: Mammadyarov subsequently spoke to the MIA who has agreed in principal to accept the advisor. Modalities are being worked out. End comment).

#### ----- RULE OF LAW -----

#### Judiciary:

15. (C) Turning to rule of law, A/S Lowenkron asked about the status of the 55 judges, selected by a new competence-based procedure, awaiting appointment. The FM observed that their assignment was &simply a matter of time,8 but promised to check.

(Comment: Mammadyarov told the Ambassador that he raised the USG's interest in the approval of the appointees with Presidential Chief of Staff Ramiz Mehtiyev. The Ambassador also raised with Mehtiyev but no action has yet been taken. End Comment)

#### Bar Association:

16. (SBU) A/S Lowenkron then asked whether the Collegium (the Soviet-era government-controlled bar association) has a future; remarking that the body served more as an impediment to reform. When Mammadyarov asserted that the country already has an independent bar association, Amb. Derse

countered that no such independent group exists. Coordinator Adams noted that the Collegium is a Soviet edifice, and that bar associations are better than governments at policing their profession. He emphasized that an independent bar association is part of a strong balance of power in the judicial system; lawyers should have the right and scope for action to be able to defend their clients. The FM replied that such an association would be a good idea,<sup>8</sup> and that he would raise it in Baku.

#### Corruption:

17. (C) Corruption was raised by A/S Lowenkron as a problem that affects every sphere of government, the economy and society. Successfully dealing with it is essential for real progress in each of those areas. Mammadyarov acknowledged that this is a very complicated issue,<sup>8</sup> but argued that dealing with it involves the interplay of religion, rule of law, morality, and social psychology. The Azerbaijani word used to refer obliquely to bribes is "hormet" or "respect." Amb. Derse commented that in speeches she frequently points out that corruption exists everywhere; the question is how a society addresses the problem. DAS Bryza and Amb. Derse reported that they were hearing from the business community that corruption was worsening. The FM requested details, which they promised to provide.

18. (C) Coordinator Adams commented that corruption is, in fact, a problem on which progress can be made. In Georgia, Saakashvili had called for an end to corruption and prosecuted senior officials. In Armenia, plenty of corruption remained at the top, but the GOAM had diminished rent-seeking opportunities<sup>8</sup> at the mid-level, for example, by reducing the number of permits required to operate a business. Eventually, monopolies would have to be eliminated. Mammadyarov replied that he had spoken to Minister of Economic Development Babayev about the effect of corruption on the economy; he knows the government has to fight it. Coordinator Adams observed that almost all countries that reduce the opportunities for corruption do well economically. The FM observed that many of the government's ministers came from business backgrounds. He suggested that they were not tough enough to cut off their relations with business.<sup>8</sup> Amb. Derse noted Azerbaijan's special challenge due to its oil wealth and suggested that civil service salary reform would help government employees

STATE 00073184 003 OF 005

earn a living wage and be less susceptible to bribery and corruption. The FM reported that Minister Babayev ) in response to the criticism that Azerbaijan received in the World Bank Doing Business Survey<sup>8</sup> ) has moved to eliminate the requirement to renew business licenses.

-----  
DEMOCRATIC POLITICAL PROCESS  
-----

#### Dialogue:

19. (C) A/S Lowenkron then turned to the need for a genuine political dialogue between the GOAJ and the opposition. Mammadyarov stated the GOAJ's readiness for such a dialogue, and noted that he has encouraged the OSCE to facilitate the dialogue. Mustafayev called Lowenkron's attention to President Aliyev's call for fresh faces in the political process. Lowenkron replied that in the absence of a dialogue the parties would continue as they were. The value of the OSCE's engagement would be to move from a focus on the past to the future, with a focus on October 2008. This would open up discussion within the parties, as well as between parties.

#### Election Reforms and Political Participation:

10. (SBU) Continuing, A/S Lowenkron observed that nothing would send a stronger signal of their seriousness than the

GOAJ,s implementation of the OSCE,s election reform recommendations. Mammadyarov responded that the most difficult of the Venice Commission,s recommendations are those related to election commissions, which if implemented could enable the opposition to block election commission votes. Amb. Aliyev added that the Parliament,s chief of staff supports nonpartisan election commissions.

¶11. (C) DAS Bryza then asked whether there were additional steps that could be taken to encourage young people to participate in the political process. Mammadyarov replied &either you are born a leader or you are not,8 commented that the GOAJ has a serious problem attracting young people, but denied that the young and talented are prevented from rising. In response, A/S Lowenkron stressed the importance of a level playing field as critical to encouraging greater political participation, especially by young people. USAID,s Eric Rudenshiold remarked that the key issue is making sure there is political space in which all believe they can operate.

¶12. (C) A/S Lowenkron cautioned that the GoAJ should begin preparing for the October 2008 presidential election, querying how the OSCE could help. He noted that as Secretary Rice has on numerous occasions stated, the electoral process is not only a matter of what occurs on election day, but also of what happens beforehand and after. Coordinator Adams noted that the USG has spent a lot of resources working with political parties. The FM gave little credence to the current opposition, stating he would be embarrassed to appear on television with them. He proposed continued work with the election commissions.

#### The Role of the Parliament:

¶13. (C) A/S Lowenkron then asked about GOAJ plans to further empower the parliament. The FM responded that the constitution provides for a strong presidential system, but that parliament has a Chamber of Accounts empowered to review the Prime Minister,s annual report on the government,s performance; this had, in fact, occurred the previous week. A/S Lowenkron and Coordinator Adams emphasized that in the US, congressional oversight of the executive branch is crucial to ensuring a strong system of checks and balances. Adams expressed interest in helping to strengthen Azerbaijan,s parliament capacity to play such a role. USAID,s Rudenshiold commented that transparency is key to combating corruption and that the USG is pressing for Parliament to fund two staff per Member in the context of the new parliamentary strengthening program. The FM suggested that Azerbaijani MPs did not hold the same ambitions as American congresspeople, remarking that a &hamster is a rat with good PR.8 Amb. Derse endorsed Amb. Aliyev,s proposal that the parliament,s chief of staff visit Washington to discuss Parliamentary reform. A/S Lowenkron also inquired about the status of MP Abdullayev, who had been arrested and stripped of immunity after making critical remarks during the Prime Minister,s annual report. Amb. Aliyev reported that he had been detained and imprisoned for two months.

#### ----- MEDIA FREEDOM -----

STATE 00073184 004 OF 005

¶14. (SBU) Turning to the issue of media freedom, Mammadyarov repeatedly claimed that 2678 media outlets operated in Azerbaijan. Coordinator Adams noted that the USG's greatest concern is with television broadcasting. A/S Lowenkron highlighted the status of ANS as of particular concern. (Comment: Ref J subsequently reported on ANS, receipt of a license. End comment.) Lowenkron then raised the decriminalization of libel. The FM replied that the GOAJ is working on that with the Council of Europe and OSCE. The GOAJ also is working on the issue of rallies and on the Department of Organized Crime. The FM complained that one

can find nasty articles written in Azerbaijan about the President. Coordinator Adams replied that this is also the case in the US, and the President endures such criticism. Mammadyarov argued that the Azerbaijan public is unable to discern truth from fiction.

Elmar Huseynov Investigation:

¶15. (SBU) In response to A/S Lowenkron's inquiry about the status of the investigation into the 2005 murder of Elmar Huseynov, Mammadyarov said that the authorities had identified the perpetrator, but not who was behind it. He acknowledged that it is in the GOAJ's interest to resolve the case.

-----  
CIVIL SOCIETY  
-----

¶16. (SBU) The discussion then turned to the role of civil society. Mammadyarov attributed a serious part of the problem to the fact that much of the middle class had left the country. To help address this deficit, he said he would like the country's young people to learn more about democracy and human rights; sending some young diplomats to the US for training would be helpful. He pointed to Azerbaijan's new Diplomatic Academy as a tool and important step in developing the mentality of democracy and protection of human rights among civil servants. He made a strong plea for short training visits to the US for students of the academy from the MFA and other ministries, including Internal Affairs, for hands on training on the value of democracy and human rights, taking them to a police station to observe how it is run, for example.

¶17. (SBU) A/S Lowenkron then introduced the FM to the Department's NGO Principles and described the global human rights defenders, fund announced in December 2006. He asked that the GOAJ adopt or comment on them once they were translated into Azerbaijani. The Minister responded that the principles are already included in the country's laws. Lowenkron replied that it would be helpful for the GOAJ to state -- openly to its own public -- that such a commonality of views exists. At Amb. Derse's request, the FM agreed to look into the registration problems the Election Monitoring Center had encountered. In response to the Ambassador, he also agreed on the need for civic education in the country's public schools and accepted her offer of assistance in developing this. EUR/ACE's Tom Adams commented that we had supported work on this in other countries.

-----  
CONCLUDING REMARKS  
-----

¶18. (C) In closing comments, A/S Lowenkron referred to two specific cases he had raised earlier with Mammadyarov that the USG hopes will be resolved quickly: the group of former government officials including Farhad Aliyev and the Yeni Fikir leaders. The US does not want these cases to have to keep coming up in meetings with the GOAJ. Lowenkron stressed the importance of Azerbaijan's upcoming October 2008 presidential election, observing that freedom of the media and of assembly throughout the run-up to the election will be important elements both for the legitimacy of the election and for determining international reactions. He observed that it is ok to win at 59 percent.<sup>8</sup> The FM predicted that the most difficult issue ) if the President decides to run again ) would be the conduct of election commissions: those election commission members who engaged in fraud thought that they were helping the government by producing a strong electoral victory. Foreign Minister Mammadayarov made a strong pitch for more training for local officials, agreeing that most problems with the elections occurred at the local level. USAID's Rudenshiold commented that the problem continues to be local officials, and stressed the importance of punishing them at the time of their crime rather than waiting until after the election. A/S Lowenkron

noted that he plans to return to Baku later in the year;

STATE 00073184 005 OF 005

Mammadyarov replied that he has an open invitation.

-----  
NGO ROUNDTABLE  
-----

¶19. (U) In a well-attended roundtable on March 23, NGOs asked Mammadyarov questions about a variety of issues including media freedom, the Election Monitoring Center,s registration problems, political process concerns (including the upcoming presidential election), the role of religious organizations, the trials of former government officials accused of coup plotting, and the GOAJ,s votes in the UN. The Minister stressed President Aliyev,s commitment to reform and highlighted the importance of psychology, stating &people have to learn that if you disagree you are not my enemy.8

¶20. (U) Amb. Derse cleared this message.  
RICE